

STATE OF WISCONSIN
BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

AMY PFLUEGER, Appellant,

vs.

STATE OF WISCONSIN DEPARTMENT OF CORRECTIONS, Respondent.

Case ID: 1.0937

Case Type: PA

DECISION NO. 41556

Appearances:

Colin B. Good, Attorney, Hawks Quindel, S.C., 409 East Main Street, P.O. Box 2155, Madison, Wisconsin, appearing on behalf of Amy Pflueger.

David G. Makovec, Attorney, Department of Administration, 101 East Wilson Street, 10th Floor, P.O. Box 7864, Madison, Wisconsin, appearing on behalf of the State of Wisconsin Department of Corrections.

DECISION AND ORDER

On May 27, 2026, Amy Pflueger (Pflueger) filed an appeal with the Wisconsin Employment Relations Commission asserting she had been discharged without just cause by the State of Wisconsin Department of Corrections (DOC). The appeal was assigned to Commission Examiner Anfin J. Wise.

A Zoom hearing was held on August 27, 2026, by Examiner Wise. The DOC made oral arguments at the conclusion of the hearing. On August 27, 2026, Pflueger submitted an additional exhibit. Pflueger filed written closing argument on August 28, 2026.

On September 4, 2026, Examiner Wise issued a Proposed Decision and Order, affirming the discharge of Pflueger by the DOC. On September 8, 2026, Pflueger filed objections to the Proposed Decision. DOC did not file a response and the matter became ripe for Commission action on September 15, 2026.

Being fully advised on the premises and having considered the matter, the Commission makes and issues the following:

FINDINGS OF FACT

1. Amy Pflueger (Pflueger) was employed by the State of Wisconsin Department of Corrections (DOC), as a Correctional Officer at the Wisconsin Secure Program Facility (WSPF) and had permanent status in class when she was discharged.

2. The DOC is a state agency responsible for the operation of various corrections facilities including WSPF, a maximum-security facility located in Boscobel, Wisconsin.

3. On January 11, 2026, Pflueger inadvertently disclosed an inmate's personal health information when she filed an appeal with the Commission.

Based on the above and foregoing Findings of Fact, the Commission makes and issues the following:

CONCLUSIONS OF LAW

1. The Wisconsin Employment Relations Commission has jurisdiction over this appeal pursuant to Wis. Stat. § 230.44 (1)(c).

2. The State of Wisconsin Department of Corrections did not have just cause within the meaning of Wis. Stat. § 230.34(1)(a) to discharge Amy Pflueger but did have just cause to suspend her without pay from the date of her discharge to the date she is promptly reinstated.

Based on the above and foregoing Findings of Fact and Conclusions of Law, the Commission makes and issues the following:

ORDER

The discharge of Amy Pflueger by the State of Wisconsin Department of Corrections is modified to reinstatement without back pay but without loss of seniority.

Issued at Madison, Wisconsin, this 24th day of September 2026.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

Electronically signed by Peter G. Davis

Peter G. Davis, Chairman

MEMORANDUM ACCOMPANYING DECISION AND ORDER

Section 230.34(1)(a), Stats., provides in pertinent part the following as to certain employees of the State of Wisconsin:

An employee with permanent status in class ... may be removed, suspended without pay, discharged, reduced in base pay or demoted only for just cause.

Section 230.44(1)(c), Stats., provides that a State employee with permanent status in class:

may appeal a demotion, layoff, suspension, discharge or reduction in base pay to the commission ... if the appeal alleges that the decision was not based on just cause.

Amy Pflueger had permanent status in class at the time of her discharge, and her appeal alleges that the discharge was not based on just cause.

The State has the burden of proof to establish that Pflueger was guilty of the alleged misconduct and whether the misconduct constitutes just cause for the discipline imposed. *Reinke v. Personnel Bd.*, 53 Wis.2d 123 (1971); *Safransky v. Personnel Bd.*, 62 Wis.2d 464 (1974).

On January 11, 2026, Pflueger emailed a civil service appeal to the WERC which included an inmate's last name, mental health information, and information related to the inmate's observation status. Because the inmate had a unique hyphenated last name, the information contained in the appeal would allow a specific inmate to be identified. Upon being advised of DOC's view that her appeal improperly disclosed inmate information, Pflueger sent an amended appeal to WERC deleting the identifying information.

Because Pflueger did not have the right to disclose the personally identifying information, misconduct has been established.¹

Turning now to a just cause consideration of the level of discipline for Pflueger's misconduct, because she had received a five-day suspension on May 29, 2025, discharge was the next step in the DOC progressive disciplinary schedule. However, but for the happenstance that the inmate had a unique (opposed to common) last name, there would have been no misconduct at all. Further, Pflueger thought she was acting in a manner consistent with her training and thus the Commission is persuaded that the misconduct was inadvertent. Nonetheless, her misconduct had a potentially significant negative impact and in light of her poor disciplinary record, a significant disciplinary penalty is appropriate. Thus, although the Commission has ordered reinstatement, it is without back pay.

Issued at Madison, Wisconsin, this 24th day of September 2026.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

Electronically signed by Peter G. Davis

Peter G. Davis, Chairman

¹ Pflueger cites *DiMiceli v. Klieger*, 58 Wis 2d 359 (1973) and claims that because the information was included in a filing with the Commission, it was privileged and no discipline can be allowed. A review of that decision provides no support for Pflueger's claim.